

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner.

Upon entry of this response, Claims 1-17, 19-22, 24-25, 37-38, and 40-41 will be all the claims pending in the instant application. Instantly, Claims 1 and 5 are amended while Claims 18 and 23 are cancelled. Applicants respectfully submit no new matter has been added by the present amendment. Support for the amendment can be found generally throughout the text. It should be noted this amendment is not in acquiescence of the Office's position on the allowability of the claims, but merely to expedite prosecution.

The Office is respectfully requested to reconsider the rejections and objections presented in the outstanding Office Action in light of the following remarks.

I. Objections

Claims 5, 9, 23 and 38 are objected to as provided in the Office Action. Claim 5 has been amended to provide a percentage "%" in the formula. Regarding the duplicative nature of Claims 9 and 23, Applicants have cancelled Claim 23. Regarding, Claim 38, as the Examiner correctly notes, Claim 1 is drawn toward a composition while dependent Claim 38 is drawn to an article/arrangement comprising the composition of Claim 1. Applicants submit an article comprising a composition is, by definition, more than just the composition and, therefore, Claim 38 is a proper dependent claim.

In light of the above, the present objections should now be withdrawn.

II. Rejections

A. 35 USC 102

Claims 1-25, 37-38 and 41 are rejected under 35 USC 102(b) as anticipated by Obrecht, USPN 6,399,706 (hereafter "Obrecht '706") as evidenced by Chen et al. J. Chem. Eng. Data.

Claims 1-3 and 40 are rejected under 35 USC 102(b) as anticipated by Obrecht, US Pat. Pub. No. 2002/0123564 (hereafter "Obrecht '564").

As indicated by the Office, Obrecht '706 and '564 are said to teach hydroxyethyl methacrylate, or HEMA, and a microgel as shown in Example 2 and Example 1, respectively.

As best understood, Example 2 of Obrecht '706 and Example 1 of Obrecht '564 relate to the modification of a microgel via the grafting of hydroxyethyl methacrylate (HEMA) to the microgel. This grafting is performed in an aqueous solution (latex) and the amount of HEMA added in each case is minimal, namely, 3 phr.

Instantly, the claims have been amended to recite, *inter alia*, "A non-aqueous composition comprising: from 10 to 99 wt.% based on the total amount of the composition of at least one crosslinkable organic medium (A)...." (Claim 1).

Obrecht '706 and '564's teaching of 3 phr HEMA fails to teach an organic medium present in an amount of 10 to 99 wt.% based on the total amount of the composition. Furthermore, Obrecht '706 and '564's teaching of the grafting of HEMA to a microgel in latex fails to teach a non-aqueous composition.

Applicants respectfully submit that the applied art does not anticipate the present invention because, at the very least, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under construction." *W.L. Gore & Associates, Inc. v. Garlock*, 721 F.2d 1540, 1554 (Fed. Cir. 1983). The rejections should now be withdrawn.

B. 35 USC 103

Claim 11 is further rejected under 35 USC as being unpatentable Obrecht '706 in view of Cheung et al., USPN 6,136,923.

It is well-settled that to establish a *prima facie* case of obviousness, the USPTO must show, at minimum, the prior art combination of references teaches or suggests all of the limitations of the claims. *In re Wilson*, 165 USPQ 494, 496, (CCPA 1970).


Cheung et al. fail to overcome the deficiencies regarding Obrecht '706 as provided above. Therefore, the combination fails to render the instant Claim 11 obvious. Withdrawal is requested at this juncture.

III. Conclusion

In summary, it is respectfully submitted that the instant application, including Claims 1-17, 19-22, 24-25, 37-38, and 40-41, is presently in condition for allowance. Notice to the effect is earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

The USPTO is hereby authorized to charge any fees which may be required by this paper and/or to credit any overpayments to Deposit Account No. 50-2527.

Respectfully submitted,

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